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12 Attorneys for Defendants  
13 Kaiser Foundation Health Plan, Inc., and Kaiser  
Permanente Welfare Benefit Plan

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

18 | MARIE CHELLINO,

19 Plaintiff,

20

21 KAISER FOUNDATION HEALTH  
22 PLAN, INC., a corporation; DOES 1  
through 10, inclusive.

23 Defendants.

CASE NO. C 07-3019 CRB

**STIPULATION AND AMENDED  
PROPOSED JUDGMENT**

1 The Circuit Court of Appeals has found that the termination of the plaintiff's benefits  
2 under the Kaiser Permanente Welfare Benefit Plan ("Plan") was an abuse of discretion, reversed  
3 the judgment, and ordered that judgment be entered for the plaintiff. Therefore,

4 IT IS HEREBY STIPULATED AND AGREED by and between plaintiff Marie Chellino  
5 and defendants Kaiser Foundation Health Plan, Inc. and Kaiser Permanente Welfare Benefit  
6 Plan:

7       1.     The plaintiff is entitled to recover Plan benefits from the date of termination of  
8 such benefits until the date of entry of this judgment.

9       2.     The plaintiff will seek interest on the amount of benefits due her. The parties are  
10    ordered to try to agree on the interest amount and, if they cannot, to return to this court where the  
11    issue will be brief and decided.

12       3.     The plaintiff will seek attorneys fees and costs according to the Local Rules of this  
13 Court, if the parties cannot agree on an amount.

14 4. The plaintiff is to be reinstated to the Plan.

15       5.      The plaintiff is entitled to be paid future benefits under the Kaiser Permanente  
16      Welfare Benefit Plan, according to the terms of the Plan, for so long as she remains eligible for  
17      such benefits under the Plan.

18 | DATED: January 11, 2010 THE FLEISHMAN LAW FIRM

19

By: /s/ Charles J. Fleishman (w/permission granted 1/11/10)  
Charles J. Fleishman  
Attorneys for Plaintiff  
Marie Chellino

23 DATED: January 11, 2010 SEDGWICK, DETERT, MORAN & ARNOLD LLP

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By: /s/ Erin A. Cornell

Rebecca A. Hull

Erin A. Cornell

## Attorneys for Defendants

## Kaiser Foundation Health Plan, Inc., and Kaiser Permanente Welfare Benefit Plan

## ORDER

**IT IS ORDERED, ADJUDGED AND DECREED**

1. The plaintiff is entitled to recover Plan benefits from the date of termination of such benefits until the date of entry of this judgment.

2. The plaintiff will seek interest on the amount of benefits due her. The parties are ordered to try to agree on the interest amount and, if they cannot, to return to this court where the issue will be brief and decided.

3. The plaintiff will seek attorneys fees and costs according to the Local Rules of this Court, if the parties cannot agree on an amount.

4. The plaintiff is to be reinstated to the Plan.

5. The plaintiff is entitled to be paid future benefits under the Kaiser Permanente Welfare Benefit Plan, according to the terms of the Plan, for so long as she remains eligible for such benefits under the Plan.

DATED: January 12, 2010

